

April 21, 2020

Brevard County Board of County Commissioners

*2725 Judge Fran Jamieson Way
Viera, FL 32940*



Minutes

Tuesday, April 21, 2020

9:00 AM

Regular

Commission Chambers

A. CALL TO ORDER 9:00 a.m.

B. MOMENT OF SILENCE

Chair Lober called for a moment of silence.

C. PLEDGE OF ALLEGIANCE

Commissioner Pritchett led the assembly in the Pledge of Allegiance.

D. MINUTES FOR APPROVAL

The Board approved the minutes from the December 10, 2019, Board of County Commissioner meeting.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

E.1. Proclaiming April 22, 2020 as Earth Day

The Board adopted Resolution No. 20-032, proclaiming April 22, 2020, as Earth Day.

Result: Adopted

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.1. Approval, Re: Change Order No. 4B for the Pineda Causeway Grade Separation Overpass

The Board approved and authorized the Chair to execute Change Order No. 48 in the amount of \$377,123.58; and approved any necessary budget change requests associated with this action.

Result: Approved

Mover: Rita Pritchett

Second: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.2. Approval, Re: Amendment to Viera Wayfinding Signage Right of Way Use Agreement with The Viera Company

The Board approved and authorized the Chair to execute the amendment to Viera Wayfinding Signage Right of Way Use Agreement with The Viera Company to permit improvements to be installed and maintained in public easements located with the Central Viera and West Viera Planned Unit Development.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.3. Approval, Re: Interlocal Agreement with the School Board for Ralph M. Williams, Jr. Elementary Access Improvements

The Board approved and authorized the Chair to execute the Interlocal Agreement with the School Board pertaining to the Ralph M. Williams, Jr. Elementary School access improvements; and approved any necessary budget change requests associated with this request.

Result: Approved
Mover: Rita Pritchett
Seconder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.4. Approval, Re: Funding and Maintenance Agreement with The Viera Company and Central Viera Community Association; Joint Participation Agreement and Resolution with the State of Florida Department of Transportation; and Permission to Advertise, Award and Execute the Construction Contract for the Viera Boulevard Interstate 95 Interchange Landscaping Improvements

The Board approved and authorized the Chair to execute the Funding and Maintenance Agreement with The Viera Company and the Central Viera Community Association, the Joint Participation Agreement, and the adopted Resolution No. 20-033, with FDOT for the landscaping improvements on State Road 9 (Interstate 95) from South of Viera Boulevard Interchange to North Viera Boulevard Interchange FM#428238-2-58-01 and FM#428238-3-58-01; granted permission to advertise, award to the lowest, responsive and responsible bidder; authorized the Chair to execute the Construction Contract, contingent upon review and approval by the County Attorney's Office and Risk Management for the landscaping improvements; and approved any necessary budget change requests associated with this request.

Result: Adopted
Mover: Rita Pritchett
Seconder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.5. Approval, Re: Task Order PO-005 with DRMP, Inc. for Additional Construction Management Services for the Pineda Causeway Grade Separation Overpass of the Florida East Coast Railway

The Board approved and authorized the Chair to execute Task Order PO-005 in the amount of \$482,710.49 for additional construction management services with DRMP, Inc., for the Pineda Causeway Grade Separation Overpass of the Florida East Coast Railway; and approved any budget change requests associated with this action.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.6. Approval, Re: Construction Contract Change Orders for the Intelligent Transportation System Construction for the St. Johns Heritage Parkway Northern Segment

The Board approved and authorized the Chair to execute the Contract Exchange Order No. 7 in the amount of \$551,200.04 to Jr. Davis Construction Co., Inc. for the construction of the Phase 1 I.T.S. work for the St. Johns Heritage Parkway Northern Segment; approved and authorized the Chair to execute the future change order up to \$285,000 for the Phase 2 I.T.S. construction work; authorized the release of the five percent retainer and the additional \$50,000 As-Built Survey Drawings withholding, excluding I.T.S. work, if the project is deemed substantially complete by the County; and approved any necessary budget change requests associated with this action.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.7. Approval, Re: Property Access License Agreement at Watts Park, Merritt Island

The Board approved a Property Access License Agreement that allows Kenneth Nelsen and Ashley Keegen Nelsen access to their property through Brevard County owned Watts Park, 695 Needle Boulevard, Merritt Island; and authorized the County Manager or his designee to sign additional extensions if it becomes necessary to extend the Agreement.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.8. Approval, Re: Authorizing Resolution, Grant Application, Execution of Follow Up Grant Agreement with Federal Transit Administration Re: FY2020 Space Coast Area Transit CARES Act Formula Grant

The Board approved the following actions for the FY 2020 CARES Act Urbanized Area Formula Program from the Federal Transit Administration (FTA) in the amount of \$17,872,063:

- Authorized the Chair to execute Resolution No. 20-034;
- Authorized the Chair to execute the Grant Application;
- Authorized the Chair to execute the Designation or Signature authority allowing staff to submit the grant electronically;
- Authorized the County Manager to execute necessary budget change requests;
- Authorized you to execute and submit grant agreement electronically, contingent upon County Attorney and Risk Management approval; and
- Authorized you to execute any additional follow-up documentation/resolutions and amendments necessary to secure these funds.

Result: Adopted
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.9. Request permission to modify Board Direction regarding Transit Service Development Grant Applications for new Transit Bus Routes

The Board adopted Resolution No. 20-035, modifying the prior Board direction regarding Space Coast Area Transit supporting additional fixed route bus service; and authorized utilization of the Federal Transit Administration CARES Act to fund the new Transit Bus Routes instead of Florida Department of Transportation (FDOT) for Titusville, Port St. John, and a connector route to the South Beaches.

Result: Adopted
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.10. Request for First Extension of Existing Interlocal Agreement between Brevard County and the City of Palm Bay for Automatic Aid, E-911 Dispatch Services and Facility Use to September 30, 2020

The Board approved the first extension of the Interlocal Agreement with the City of Palm Bay for Automatic Aid, E-911 Dispatch Services and facility use to September 30, 2020.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.11. Acknowledge Receipt, Re: FY2018-2019 Redevelopment Agencies Annual Reports for the fiscal year ending September 30, 2019

The Board acknowledged receipt of Fiscal Year 2018-2019 CRA annual reports for Fiscal Year ending September 30, 2019.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.12 Approval, Re: Budget Change Requests

The Board approved the Budget Change Requests.

Result: Approved
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.13. Approval, Re: Precinct Boundaries - Altered

The Board approved the revised Precinct boundaries due to annexation by the cities of West Melbourne, Melbourne, Rockledge, and Cocoa.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.14. Approval, Re: CareerSource Brevard - Local Plan 2020-24; Memorandum of Understanding Chief Elected Official; Memorandum of Understanding/Infrastructure Funding Agreement and Addendum One-Stop Operator

The Board approved and authorized the Chair to execute the 4-year Local Plan (2020-2024) developed by CareerSource Brevard for submission, review, and acceptance by CareerSource Florida, the Memorandum of Understanding for Chief Elected Official, the Memorandum of Understanding/Infrastructure Agreement for the One-Stop Center System, and the Addendum for the One-Stop Operator C2 Global Professional Services.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.15. Approval, Re: Appointment(s) / Reappointment(s)

The Board acknowledged reappointment of **J.B. Forbes** to the Housing Finance Authority, with term expiring May 15, 2024.

Result: Approved

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

F.16 Resolution, Re: Recognizing National Drug Court Month

The Board adopted Resolution No. 20-036, recognizing May 2020 as National Drug Court Month.

Result: Adopted

Mover: Rita Pritchett

Secunder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.2. Acceptance, Re: Brevard County Fire Rescue - Public Health and Social Services Emergency Fund Grant

The Board accepted the Department of Health and Human Services (HHS) Public Health and Social Services Emergency Fund grant in the amount of \$462,474.10; granted authority for the County Manager or designee Fire Chief Mark Schollmeyer (Medicare account administrator) to

sign the HHS attestation documents, subject to County Attorney review of the HHS terms and conditions; and granted authority for the Chair to sign any required contract amendments to implement Brevard County Fire Rescue's obligations under the grant.

Result: Approved

Mover: Rita Pritchett

Seconder: John Tobia

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

G. PUBLIC COMMENTS

Pete Carnesale stated Indian River colony Club (IRCC) needs a right-hand turn lane off of Viera Boulevard and Independence Avenue, as it is only a matter of time, not if, a rear-end collision occurs; pedestrians, bicyclists, and golf carts are on the sidewalks which are not visible from the road and there are people making a right turn, that they do not stop for the cars; leaving the residents with a fear of hitting someone if they do not slow down; the short entryway before the gate is another reason for cars to make a right turn, with cars having to slow down to below 10 miles per hour before making the turn into IRCC; IRCC Herons Landing and Faith Lutheran Church could use a traffic light on the corner at the Herons Landing and IRCC exit on Viera Boulevard; there is Thrasher Drive, a parallel road from the Faith Lutheran Church in Herons Landing leading to the Herons Landing exit, making it usable for the church as well as Herons Landing; a pathway over Interstate 95 along Viera Boulevard is needed to accommodate the golf carts in order for the residents of east Viera to have access to the businesses on the west side of Interstate 95; the elderly who no longer drive cars, and the school children who are used to being able to take their golf carts and bikes to school, now lack a legal pathway to accommodate the size of the walkers, cyclists, and golf carts at the same time, while trying to cross over Interstate 95; all of which existed until the new exit was created; this has created a double-standard for those living east and west of Interstate 95; and a quick look at the school parking lot shows just how many school children take golf carts to school.

Chair Lober expressed his thanks to Mr. Carnesale for coming out; he stated the overpass for the golf carts may be more of a Florida Department of Transportation (FDOT) item than a County item; he does not know if the County has the funding in place, that it would have the authority to put something over a State Road like that; and he suggested for Mr. Carnesale to reach out to FDOT, they have a location on Camp Road, Cocoa.

Mr. Carnesale expressed his thanks to Chair Lober; and he stated he will reach out to FDOT, but he would like for Chair Lober to do that as well.

Chair Lober stated he is happy to send FDOT and email as well to see what they say and also to give them a heads-up that Mr. Carnesale will be contacting them.

H.1. Resolution, Re: Petition to Vacate, Re: Public Utility Easements - 856 Laurel Circle - "Barefoot Bay Unit Two, Part Twelve" Plat Book 22, Page 79 - Barefoot Bay - Barry Southard and Valerie Gallo

Chair Lober called for the public hearing for a petition to vacate public utility easements at 856 Laurel Circle, Barefoot Bay, Unit Two, Part 12, as requested by Barry Southard and Valerie Gallo.

There being no comments or objections heard, the Board adopted Resolution No. 20-037, vacating public utility easements at 856 Laurel Circle, Barefoot Bay, Unit Two, Part 12 Subdivision, Barefoot Bay, as petitioned by Barry Southard and Valerie Gallo.

Result: Adopted
Mover: Rita Pritchett
Secunder: John Tobia
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

J.1. Legislative Intent and Permission to Advertise Re: Code Revisions to On-premise Consumption for Alcoholic Beverages

Chair Lober stated this is the Conditional Use Permit (CUP) item for the alcohol permits; he is happy to go whichever way the Commission wants to go on it; and he thinks all these do not need to come up, but it is up to them.

Commissioner Pritchett stated she is fine with it; and she asked Commissioner Tobia what he would like to do, because he had brought in this wonderful idea.

Commissioner Tobia stated it sounds like this is positive and he thinks option one is the one that would probably provide the greatest benefit to the small businesses at this time; he expressed his thanks to Tad Calkins, Planning and Development Director, for his leadership for getting this done so there is a benefit, not only to the small businesses, but to the timely nature of meetings moving forward.

Chair Lober stated he would support that if the motion is made but wanted to make one qualification; he spoke with the department and they told him that things along the lines of traffic concerns or other problems that could be considered, are still able to be considered administratively; and his concern is addressed by that, so he is happy with that if someone was to make a motion.

Commissioner Tobia stated to accept option one.

The Board granted legislative intent and permission to advertise amendments to Article VI, Zoning Regulations, relating to the on-premise consumption of alcoholic beverages for restaurants and snack bars.

Result: Approved
Mover: John Tobia
Secunder: Bryan Lober
Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

I.1. Discussion, Re: Interlocal Agreement with the City of Palm Bay for the St. Johns Heritage Parkway Intersection and Babcock Street

Chair Lober stated this is the potential interlocal with Palm Bay on the Heritage Parkway; and he will be looking to Commissioners Tobia and Isnardi for help on this.

John Denninghoff, Assistant County Manager, stated based on Board direction from the prior meeting, staff on both the City and County worked quite hard to come up with what is believed to be very close to what the Board had asked for the last time this item was on the Agenda; and is scheduled to go to the City Council on Thursday, April 23.

Commissioner Isnardi expressed her thanks to staff; she stated she is glad that an agreement has been made that everybody can live with; hopefully now that intersection can move forward; and she is very excited about it.

Commissioner Tobia stated this could have been handled quite a bit earlier, but the outcome would have impacted future Commissions to the tune of tens or hundreds of millions of dollars; he expressed his thanks on behalf of the Board and bigger thanks probably from the people who will eventually sit in these seats so they are not encumbered with hundreds of millions of dollars; he expressed his thanks to Chair Lober and Mr. Denninghoff for sticking to their guns, for working with the City, and he looks forward to this opening in short order.

The Board discussed Board action pertaining to the Interlocal Agreement with the City of Palm Bay for the St. Johns Heritage Parkway Intersection and Babcock Street; and approved Option 1 authorizing the Chair to execute the Interlocal Agreement with the City of Palm Bay for the St. Johns Heritage Parkway Intersection and Babcock Street.

Result: Approved

Mover: John Tobia

Secunder: Bryan Lober

Ayes: Pritchett, Lober, Tobia, Smith, and Isnardi

L.3. Rita Pritchett, Commissioner, District 1 Report

Commissioner Pritchett stated that she misses seeing Commissioners Smith and Isnardi and hopefully in a month or so, the Board will be doing regular business again.

Chair Lober stated he would keep his fingers crossed that everything goes in the right direction.

L.6. Curt Smith, Commissioner, District 4 Report

Commissioner Smith stated he missed the Board also and it is getting boring sitting on his porch looking at boats and jet-skis going up and down the river when he should be in the meeting.

Chair Lober inquired if Commissioner Smith missed all of the board or just most of them.

Commissioner Smith replied he misses every single one on the Board.

L.7. Kristine Isnardi, Commissioner, District 5 Report

Commissioner Isnardi stated she is looking forward to being back in the Chambers with the Board.

Upon consensus of the Board, the meeting adjourned at 9:13 a.m.

ATTEST:

SCOTT ELLIS, CLERK

BRYAN ANDREW LOBER, CHAIR
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA